

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil First Appeal No. 176/2026

M/s Dauji Milk Food Private Limited, Village Thikari, Jafranati,
Tehsil Mahuwa, District Dausa Through Director.

----Appellant

Versus

M/s Upadhyay Milk Food Bhitar Wadi, Near Gandhi Chowk,
Bayana, Tehsil Bayana, District Bharatpur (Raj.) Through
Proprietor Promod Kumar Upadhyay S/o Sushil Kumar Upadhyay,
R/o Bayana, Tehsil Bayana, District Bharatpur (Raj.).

-----Respondent

For Appellant(s)	:	Mr. Nikhlesh Katara
For Respondent(s)	:	Mr. Tanay Choudhary on behalf of Mr. Kapil Gupta

HON'BLE MR. JUSTICE MANEESH SHARMA

Order

26/02/2026

1. Matter comes up on an application (IA No.1/2026) filed by the appellant, seeking conversion of the S.B. Civil First Appeal into a D.B. Civil First Appeal.
2. Learned counsel for the appellant submits that in terms of Section 13 of the Commercial Courts Act, 2015, appeal against the impugned judgment and decree dated 04.11.2025 passed by the learned Judge, Commercial Court, Bharatpur, in Civil Suit No. 59/2024 (CIS No. 116/2024), titled as '*M/s Upadhyay Milk Food Vs. M/s Dauji Milk*', lies before the Commercial Appellate Division of the High Court, which is required to be heard by a Division Bench of this Court. However, due to inadvertence and *bona fide* belief, the appellant filed the present appeal as an S.B. Civil First

Appeal. He further submits that the appellant has already deposited Rs. 1,76,478/- towards court fees. Therefore, while taking into consideration Rule 269, read with Rules 13 and 145 of the Rajasthan High Court Rules, 1952, the present S.B. Civil First Appeal may kindly be converted into a D.B. Civil First Appeal under Section 13 of the Commercial Courts Act, 2015.

3. For the reasons mentioned in the application, the same is allowed.

4. For statistical purposes, the present S.B. Civil First Appeal stands disposed of. The present first appeal be re-registered as D.B. Civil First Appeal, and be listed before the Division Bench as per roster.

5. Necessary corrections and amendments shall be carried out within a period of four weeks from today.

(MANEESH SHARMA),J